IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 14883 of 2005

Between:

Zaheda Begum, W/o. Syed Abid Ali Hussain,
R/o. Ramnagar, Adilabad, Adilabad District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Adilabad Mandal, Collector Office, Adilabad.
2 The District Collector, Adilabad District, Adilabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents claiming right over the petitioner's land by giving paper statement in the news Paper Telugu Eenadu daily, City Edition of Adilabad dt. 23-6-2005 falsely stating that acquiring the petitioner's land as illegal, arbitrary, contrary to the Revenue Records and also violation of Articles 14 and 21 of the Constitution of India, and consequently direct the 1st respondent not to claim right over petitioner's land by giving such statements in any News Paper with regard to the petitioner's land 1-20 in Sy.No. 346/2, situated at Adilabad Village and Mandal.

Counsel for the Petitioner: MR.MOOSA AHMED

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

O R D E R:

This writ petition is filed seeking to declare the action of the respondents in claiming right over the land belonging to the petitioner by giving paper statement in the Eenadu Telugu Daily, Adilabad City Edition, dated 24-06-2005, as illegal and arbitrary and consequently to direct the first respondent not to claim right over the said land.

Heard both the learned counsel and perused the material on record.

A perusal of the record goes to show that there is a dispute with regard to the land in Survey No.346/2, situated at Adilabad Village and Mandal, and in that regard the petitioner filed O.S.No.26 of 2005 before the Junior Civil Judge, Adilabad. It further goes to show that the said suit was decreed in her favour on 15-02-2005. If that being the case, nothing prevents the petitioner to apprise the same before the authorities concerned for the remedy as sought for in this writ petition. In view of the nature of the dispute, which comes within the purview of Civil in nature, I have no hesitation to hold that this Court

cannot entertain this writ petition invoking the provisions under Article 226 of the Constitution of India, and therefore, I see no merit in the writ petition and the same is liable to be dismissed.

The writ petition is accordingly dismissed. No costs. However, the petitioner is at liberty to approach the Mandal Revenue Officer concerned along with the material available with her to prove her title or possession, as the case may be, for taking necessary action.

(ELIPE DHARMA RAO, J)

Date:11-07-2005

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To

1 The Mandal Revenue Officer, Adilabad Mandal, Collector Office, Adilabad.
2 The District Collector, Adilabad District, Adilabad.

3 Two copies to G.P. for Revenue, High Court buildings,

Hyderabad.(O.U.T.)

4 2 CD copies